

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES SUOZZO,

Plaintiff,

-against-

UNITED STATES OF AMERICA and FREDDY HUGO  
INTRIAGO,

Defendants.  
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**COMPLAINT**

Civil Action No.:

Jury Trial Demanded

Plaintiff, JAMES SUOZZO, complaining of the defendants, by and through his attorneys,  
CARTIER, BERNSTEIN, AUERBACH & STEINBERG, P.C., allege as follows:

**FIRST CAUSE OF ACTION**

1. This is an action arising under the Federal Tort Claims Act, 28 U.S.C. §2671 et seq., and this Court has jurisdiction under the provisions of 28 U.S.C. §1346(b).
2. At all times hereinafter mentioned, the plaintiff was and still is a resident and citizen of the Town of Central Islip, County of Suffolk, State of New York.
3. At all times hereinafter mentioned, the defendant FREDDY HUGO INTRIAGO was and still is a resident of New York County, State of New York, and the cause of action in which this action is based arose in that county, and thereafter venue is proper in this Court.
4. Upon information and belief, and at all times hereinafter mentioned, the United States Postal Service, an agency of the defendant, UNITED STATES OF AMERICA, was and still is the owner of a certain Ford motor vehicle registered in the State of New York with VIN number 1FC3E3K4HDC53647, which was being operated by defendant FREDDY HUGO INTRIAGO on February 13, 2021 within the course of his employment.

5. At all times hereinafter mentioned, the plaintiff was and still is the lawful owner and operator of a 2018 Ford motor vehicle bearing New York State license plate number GLM9397.
6. At all times hereinafter mentioned, Amsterdam Avenue and West 85<sup>th</sup> Street were and still are public thoroughfares in common use by the residents of the County of New York, and others.
7. On or about the 13<sup>th</sup> day of February 2021, at approximately 1:00 p.m., the plaintiff was lawfully operating his motor vehicle in a prudent and careful manner and proceeding northbound to continue straight on Amsterdam Avenue at West 85<sup>th</sup> Street, when at the time and place aforesaid, the motor vehicle which, upon information and belief was owned by the United States Postal Service, an agency of the defendant UNITED STATES OF AMERICA, which was being operated by FREDDY HUGO INTRIAGO who was, upon information and belief, an employee of the United States Postal Service, an agency of the defendant, was proceeding northbound on Amsterdam Avenue, and due to the carelessness, recklessness and negligence of the defendant, the motor vehicles collided causing the plaintiff to sustain the injuries hereinafter alleged.
8. The said accident and injuries resulting there from were caused solely by the negligence of the defendants and without any negligence on the part of the plaintiff contributing thereto.
9. The negligence of the defendant consisted of among the following:
  - a. In operating said vehicle at an excessive, illegal and dangerous rate of speed under the conditions then and there existing;
  - b. In failing to see that which under the circumstances should be seen;

- c. In failing and omitting to observe road conditions;
  - d. In failing to have the said vehicle under proper control;
  - e. In failing to maintain lanes;
  - f. In failing to take reasonable precaution, or in fact, any precaution to ensure the life and limbs of the plaintiff;
  - g. In causing, allowing and permitting the vehicle to collide with the passenger side of the plaintiff's vehicle;
  - h. In being otherwise careless, reckless and negligent.
10. By reason of the aforesaid negligence of the defendants, the plaintiff suffered great bodily injuries with accompanying pain so that he became, and still continues to be sick, sore, lame and disabled, and was and is injured both internally and externally, and permanently to his head, body, and limbs, and was otherwise greatly injured.
11. By reason of the aforesaid negligence, the plaintiff, suffered severe and permanent injuries to his head, neck, back, chest, body and limbs and had significant use of his back preventing him from subsequently performing all of his natural acts and customary daily activities for a period in excess of 90 days within the first 180 days following the said accident.
12. On or about March 29, 2022, the plaintiff submitted a claim for \$5,003,577.96 to the United States Postal Service National Tort Center, 1720 Market Street, Room 2400, St. Louis, MO 63155. On April 13, 2023 such claim was denied by the United States Postal Service.

WHEREFORE, plaintiff demands judgment against the defendants, UNITED STATES OF AMERICA and FREDDY HUGO INTRIAGO in the sum of \$500,000.00 for personal injuries

sustained and all losses associated therewith, together with the costs and disbursements of this action, and granting such other and further relief as this Court may deem just, proper and fair.

**AS FOR A SECOND CAUSE OF ACTION**

The plaintiff complaining of the defendants herein, alleges:

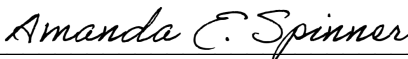
13. The plaintiff repeats and realleges those allegations of this complaint marked and numbered “1” through “12” both inclusively and as fully as though the same were set forth herein at length.

14. By reason of the aforesaid negligence of the defendants, the plaintiff’s motor vehicle was badly damaged and depreciated necessitating repairs thereto in the sum of \$3,577.96.

WHEREFORE, plaintiff demands judgment against the defendants, UNITED STATES OF AMERICA and FREDDY HUGO INTRIAGO in the sum of \$3,577.96 together with the costs and disbursements of this action, and granting such other and further relief as this Court may deem just, proper and fair.

Dated: Patchogue, New York  
August 15, 2023

Yours, etc.,

  
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Amanda E. Spinner, Esq.  
CARTIER, BERNSTEIN, AUERBACH &  
STEINBERG, P.C.  
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